

evaluate current credit status of said customer including an analysis of at least one of said customer's business performance, dilution, and advance rate; and

determine to at least one of approve said customer's cash advance request, deny said customer's cash advance request, and initiate a manual review of said customer collateral information.

Remarks

The Office Action mailed May 13, 2002 has been carefully reviewed and the foregoing amendment has been made in consequence thereof. Submitted herewith is a Submission of Marked Up Claims.

Claims 1-24 are pending in this application. Claims 1-22 stand rejected. Claims 23 and 24 have been newly added.

In addition, and in accordance with 37 C.F.R. 1.136(a), a one month extension of time is submitted herewith to extend the due date of the response to the Office Action dated May 13, 2002, for the above-identified patent application from August 13, 2002, through and including September 13, 2002. In accordance with 37 C.F.R. 1.17(a)(3), authorization to charge a deposit account in the amount of \$110.00 to cover this extension of time request also is submitted herewith.

The rejection of Claims 1-4 and 12-15 under 35 U.S.C. § 103 as being unpatentable over Highbloom (U.S. Patent 5,323,315) in view of Hogan (U.S. Pat. App. Pub. No. 2001/0013545 A1) is respectfully traversed.

Highbloom generally describes a system (10) for monitoring the status of individual items of personal property which serve as collateral for securing financing. System (10) includes a disc drive (26) associated with a processor (16) for allowing the transfer of data from a remote location to be entered into the processor by means of a floppy disk (28) or a magnetic tape. (Col.

7, lines 3-6). System (10) receives financial information that includes information pertaining to a floor plan credit loan, a consumer loan being extended, or the receipt of money which is paid for the repayment of a particular loan. System (10) analyzes the financial information to track prompt repayment of a loan, to note any delinquent payments, and to determine if a particular item is simultaneously being financed by two financing sources. (Col. 4, line 52 to Col. 5, line 11).

Hogan describes a financial transaction card payment system, such as a credit card payment system having an installment loan feature. (Page 3, para. 34). Hogan also describes a statement that includes, among other things, the current installment payment amount due, being mailed to the cardholder. (Page 3, para. 38). After the payment is received from the customer, the system then determines whether the payment received is less than the installment loan amount due. If the payment received is less than the installment loan amount due, a cash advance in the amount of the difference between the payment received and the installment loan amount due is charged against the cardholder's credit line. (Page 4, para. 39). Notably, Hogan does not describe nor suggest evaluating a cardholder's current collateral information and current credit status.

Claim 1 recites a method for processing cash advance requests using a process management and workflow system wherein the method includes "receiving a cash advance request at the process management and workflow system...operating the process management and workflow system to record the cash advance request...evaluate current collateral information...and evaluate current credit status."

Neither Highbloom nor Hogan, considered alone or in combination, describe nor suggest a method for processing cash advance requests using a process management and workflow system wherein the method includes receiving a cash advance request at the process management and workflow system, and operating the process management and workflow system to record the cash advance request, evaluate current collateral information, and evaluate current credit status.

More specifically, although Highbloom does describe a computer system for monitoring the status of individual items of personal property which serve as collateral for securing financing, Highbloom does not describe nor suggest a method for processing cash advance requests that includes receiving a cash advance request, and operating a process management and workflow system to record the cash advance request and evaluate current credit status.

Moreover, although Hogan describes a system that charges a difference between a credit card payment received and a credit card installment loan amount due against a cardholders credit line as a cash advance, Hogan does not describe nor suggest a method for processing cash advance requests that includes evaluating current collateral information and evaluating current credit status. Additionally, Applicants respectfully traverse the suggestion in the Office Action that Hogan discloses a method for processing a cash advance request via a financial transaction card. Applicants also respectfully traverse the suggestion that it would be obvious to substitute the floppy disk in Highbloom with the credit card in Hogan and that credit cards and floppy disks are an art recognized equivalent.

Furthermore, even assuming, arguendo, that there is motivation to combine Highbloom and Hogan, which Applicants deny, the combination of Highbloom and Hogan does not describe nor suggest a method for processing cash advance requests that includes operating a process management and workflow system to evaluate current credit status. Accordingly, Applicants respectfully submit that Claim 1 is patentable over Highbloom in view of Hogan.

For at least the reasons set forth above, Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of Claim 1 be withdrawn.

Claims 2-4 depend, directly or indirectly, from independent Claim 1 which is submitted to be in condition for allowance. When the recitations of Claims 2-4 are considered in combination with the recitations of Claim 1, Applicants respectfully submit that dependent Claims 2-4 are also patentable over Highbloom in view of Hogan.

Claim 12 recites a system for processing cash advance requests, wherein the system includes a data repository, and a process management and workflow system coupled to the data repository, wherein the process management and workflow system is configured to “receive a cash advance request ...record the cash advance request...evaluate current collateral information...and evaluate current credit status.”

Neither Highbloom nor Hogan, considered alone or in combination, describe nor suggest a system for processing cash advance requests wherein the system includes a data repository, and a process management and workflow system coupled to the data repository, wherein the process management and workflow system is configured to receive a cash advance request, record the cash advance request, evaluate current collateral information, and evaluate current credit status. Rather, Highbloom describes a computer system for monitoring the status of individual items of personal property which serve as collateral for securing financing, and Hogan describes a system that charges a difference between a credit card payment received and a credit card installment loan amount due against a cardholders credit line as a cash advance. Accordingly, Applicants submit that Claim 12 is patentable over Highbloom in view of Hogan.

For at least the reasons set forth above, Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of Claim 12 be withdrawn.

Claims 13-15 depend, directly or indirectly, from independent Claim 12 which is submitted to be in condition for allowance. When the recitations of Claims 13-15 are considered in combination with the recitations of Claim 12, Applicants respectfully submit that dependent Claims 13-15 are also patentable over Highbloom in view of Hogan.

Notwithstanding the above, the rejection of Claims 1-4 and 12-15 under 35 U.S.C. § 103(a) as being unpatentable over Highbloom in view of Hogan is further traversed on the grounds that the Section 103 rejection of the presently pending claims is not a proper rejection. Obviousness cannot be established by merely suggesting that it would have been obvious to one of ordinary skill in the art to modify Highbloom using the teachings of Hogan.

More specifically, as is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. It is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the prior art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention. Further, it is impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art.

As the Federal Circuit has recognized, obviousness is not established merely by combining references having different individual elements of pending claims. Ex parte Levengood, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993). MPEP 2143.01. Rather, there must be some suggestion, outside of Applicants' disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art, and not based on Applicants' disclosure. In re Vaeck, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion or motivation to combine the prior art disclosures, nor any reasonable expectation of success has been shown.

Neither Highbloom nor Hogan, considered alone or in combination, describe nor suggest the claimed combination. Rather, the present Section 103 rejection is based on a combination of teachings selected from multiple patents in an attempt to arrive at the claimed invention. Specifically, Highbloom is cited for teaching a computer readable medium to exchange financial information. To the extent understood, however, Highbloom actually teaches a system for entering financial information pertaining to a floor plan credit loan, a consumer loan being extended, or the receipt of money into a processor at a remote location by means of a floppy disk. Hogan is cited for teaching a method to process a cash advance request via a financial transaction card. To the extent understood, however, Hogan actually teaches a system that charges a difference between a credit card payment received and a credit card installment loan

amount due against a cardholders credit line as a cash advance. Applicants respectfully traverse Examiners statement that it would be obvious to substitute the floppy disk in Highbloom with the credit card in Hogan and that credit cards and floppy disks are an art recognized equivalent.

Since there is no teaching nor suggestion for the combination of Highbloom and Hogan, the Section 103 rejection appears to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible, and for this reason alone, Applicants request that the Section 103 rejection of Claims 1-4 and 12-15 be withdrawn.

For the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 1-4 and 12-15 be withdrawn.

The rejection of Claims 5-11 and 13-22 under 35 U.S.C. § 103 as being unpatentable over Highbloom (U.S. Patent 5,323,315) in view of Hogan (U.S. Pat. App. Pub. No. 2001/0013545 A1) and further in view of DeFrancesco et al. (U.S. Pat. No. 5,878,403) ("DeFrancesco") is respectfully traversed.

Highbloom and Hogan are described above. DeFrancesco describes a centralized credit application entry and routing system which accepts applications from automotive dealerships, and selectively forwards them to funding sources. (Col. 8, lines 62-67). The system sends the application directly to the funding sources credit application processing system bypassing the need for the funding source to manually enter the application. (Col. 9, lines 22-26). The system also provides for secure access to the credit application and routing system, facilitating multiple levels of security. (Col. 5, lines 44-47).

Claims 5-11 depend, either directly or indirectly, from independent Claim 1 which recites a method for processing cash advance requests using a process management and workflow system wherein the method includes "receiving a cash advance request at the process management and workflow system...and operating the process management and workflow

system to record the cash advance request...evaluate current collateral information...and evaluate current credit status.”

None of Highbloom, Hogan, or DeFrancesco, considered alone or in combination, describe or suggest a method for processing cash advance requests using a process management and workflow system wherein the method includes receiving a cash advance request at the process management and workflow system, and operating the process management and workflow system to record the cash advance request, evaluate current collateral information, and evaluate current credit status. More specifically, Highbloom describes a computer system for monitoring the status of individual items of personal property which serve as collateral for securing financing. Highbloom does not describe nor suggest a method for processing cash advance requests that includes receiving a cash advance request, and operating a process management and workflow system to record the cash advance request and evaluate current credit status.

Hogan describes a system that charges a difference between a credit card payment received and a credit card installment loan amount due against a cardholders credit line as a cash advance. In contrast to the present invention, Hogan does not describe nor suggest a method for processing cash advance requests that includes evaluating current collateral information and evaluating current credit status.

DeFrancesco describes a centralized credit application entry and routing system which accepts applications from automotive dealerships, and selectively forwards them to funding sources. However, DeFrancesco does not describe nor suggest a method for processing cash advance requests that includes receiving a cash advance request, and operating a process management and workflow system to record the cash advance request, evaluate current collateral information, and evaluate current credit status.

Furthermore, even assuming, arguendo, that there is motivation to combine Highbloom, Hogan, and DeFrancesco, which Applicants deny, the combination of Highbloom, Hogan, and

DeFrancesco does not describe nor suggest a method for processing cash advance requests that includes operating a process management and workflow system to evaluate current credit status. Accordingly, Applicants respectfully submit that Claim 1 is patentable over Highbloom in view of Hogan, and further in view of DeFrancesco.

Claims 5-11 depend, directly or indirectly, from independent Claim 1 which is submitted to be in condition for allowance. When the recitations of Claims 5-11 are considered in combination with the recitations of Claim 1, Applicants respectfully submit that dependent Claims 5-11 are also patentable over Highbloom in view of Hogan and further in view of DeFrancesco.

Claims 16-22 depend, directly or indirectly, from independent Claim 12 which recites a system for processing cash advance requests, wherein the system includes a data repository, and a process management and workflow system coupled to the data repository, wherein the process management and workflow system is configured to “receive a cash advance request...record the cash advance request...evaluate current collateral information...and evaluate current credit status.”

None of Highbloom, Hogan, or DeFrancesco, considered alone or in combination, describe nor suggest a system for processing cash advance requests wherein the system includes a data repository, and a process management and workflow system coupled to the data repository, wherein the process management and workflow system is configured to receive a cash advance request, record a cash advance request, evaluate current collateral information, and evaluate current credit status. Rather, Highbloom describes a computer system for monitoring the status of individual items of personal property which serve as collateral for securing financing, Hogan describes a system that charges a difference between a credit card payment received and an credit card installment loan amount due against a cardholders credit line as a cash advance, and DeFrancesco describes a centralized credit application entry and routing system which accepts applications from automotive dealerships, and selectively forwards them to

funding sources. Accordingly, Applicants submit that Claim 12 is patentable over Highbloom in view of Hogan and further in view of DeFrancesco.

Claims 16-22 depend, directly or indirectly, from independent Claim 12 which is submitted to be in condition for allowance. When the recitations of Claims 16-22 are considered in combination with the recitations of Claim 12, Applicants respectfully submit that dependent Claims 16-22 are also patentable over Highbloom in view of Hogan and further in view of DeFrancesco.

Notwithstanding the above, the rejection of Claims 5-11 and 16-22 under 35 U.S.C. § 103(a) as being unpatentable over Highbloom in view of Hogan and further in view of DeFrancesco is further traversed on the grounds that the Section 103 rejection of the presently pending claims is not a proper rejection. Obviousness cannot be established by merely suggesting that it would have been obvious to one of ordinary skill in the art to modify Highbloom using the teachings of Hogan and DeFrancesco. More specifically, as is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. It is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the prior art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention. Further, it is impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art.

None of Highbloom, Hogan, or DeFrancesco, considered alone or in combination, describe or suggest the claimed combination. Rather, the present Section 103 rejection is based on a combination of teachings selected from multiple patents in an attempt to arrive at the claimed invention. Specifically, Highbloom is cited for its teaching of a process management

and workflow system used to evaluate current collateral information and evaluate current credit status. To the extent understood, however, Highbloom actually teaches a system for entering financial information pertaining to a floor plan credit loan, a consumer loan being extended, or the receipt of money into a processor at a remote location by means of a floppy disk. Hogan is cited for its teaching of a method to process a cash advance request via a financial transaction card. To the extent understood, however, Hogan actually teaches that a system that charges a difference between a credit card payment received and an credit card installment loan amount due against a cardholders credit line as a cash advance. DeFrancesco is cited for its teaching of a method that includes identifying dilution, reviewing advance rate, and reviewing fraud. To the extend understood, however, DeFrancesco describes a centralized credit application entry and routing system which accepts applications from automotive dealerships, and selectively forwards them to funding sources.

Since there is no teaching nor suggestion for the combination of Highbloom, Hogan, and DeFrancesco, the Section 103 rejection appears to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible, and for this reason alone, Applicants request that the Section 103 rejection of Claims 5-11 and 16-22 be withdrawn.

For the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 5-11 and 16-22 be withdrawn.

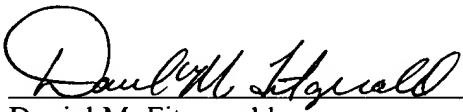
Newly added Claim 23 recites a method for processing cash advance requests using a process management and workflow system coupled to a data repository. None of the art cited in the Office Action, considered alone or in combination, describe or suggest a method for processing cash advance requests as recited in Claim 23. Accordingly, Applicants respectfully submit that Claim 23 is patentable over the cited art.

Newly added Claim 24 recites a system for processing cash advance requests that includes a data repository, and a process management and workflow system coupled to the data

repository. None of the art cited in the Office Action, considered alone or in combination, describe or suggest a system for processing cash advance requests as recited in Claim 24. Accordingly, Applicants respectfully submit that Claim 24 is patentable over the cited art.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Smith et al. :
Serial No.: 09/392,028 : Art Unit: 3624
Filed: September 8, 1999 : Examiner: Felten, D.
For: METHODS AND APPARATUS :
FOR PROCESSING CASH :
ADVANCE REQUESTS :

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SUBMISSION OF MARKED UP CLAIMS

Box AF
Hon. Commissioner for Patents
Washington, D.C. 20231

Submitted herewith are marked up claims in accordance with 37 C.F.R. 1.121(c)(1)(ii), wherein additions are underlined and deletions are [bracketed].

IN THE CLAIMS:

1. (once amended) A method for processing cash advance requests using a process management and workflow system coupled to a data repository, [upon receipt of a cash advance request by the process management and workflow system,] said method comprising the steps [step] of:

receiving a cash advance request at the process management and workflow system; and

operating the process management and workflow system to record the cash advance request, evaluate current collateral information, and evaluate current credit status.

12. (once amended) A system for processing cash advance requests, said system comprising a data repository, and a process management and workflow system coupled to said data repository, said process management and workflow system configured to:

receive a cash advance request;

record the [a] cash advance request;

evaluate current collateral information; and

evaluate current credit status.

Please add the following claims:

23. (newly added) A method for processing cash advance requests using a process management and workflow system coupled to a data repository, said method comprising the steps of:

receiving from a customer at the process management and workflow system collateral information including at least one of accounts receivable, accounts payable, inventory information, trading partners information, chart of accounts, invoices, and payment information;

storing the collateral information in the data repository;

receiving from the customer a cash advance request at the process management and workflow system;

operating the process management and workflow system to record the cash advance request;

updating the collateral information of the customer via the process management and workflow system such that the customer collateral information is current;

evaluating the current, customer collateral information through the process management and workflow system;

evaluating current credit status of the customer through the process management and workflow system including an analysis of at least one of the customer's business performance, dilution, and advance rate; and

determining through the process management and workflow system to at least one of approve the customer's cash advance request, deny the customer's cash advance request, and initiate a manual review of the customer collateral information.

24. (newly added) A system for processing cash advance requests, said system comprising a data repository, and a process management and workflow system coupled to said data repository, said process management and workflow system configured to:

receive from a customer collateral information including at least one of accounts receivable, accounts payable, inventory information, trading partners information, chart of accounts, invoices, and payment information;

store said collateral information in said data repository;

receive from said customer a cash advance request;

record the cash advance request;

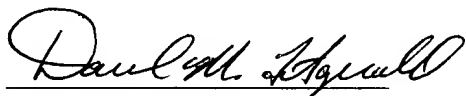
update said collateral information of said customer such that said customer collateral information is current;

evaluate said current, customer collateral information;

evaluate current credit status of said customer including an analysis of at least one of said customer's business performance, dilution, and advance rate; and

determine to at least one of approve said customer's cash advance request, deny said customer's cash advance request, and initiate a manual review of said customer collateral information.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Daniel M. Fitzgerald". The signature is written in a cursive, flowing style with a large initial 'D'.

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